

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

LARRY M. MAYFIELD §
VS. § CIVIL ACTION NO. 9:16-CV-23
KENT DICKERSON, *et al.*, §

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Larry M. Mayfield, a prisoner formerly confined at the Gib Lewis Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendants Kent Dickerson, Thomas Donohue, Mohamad Sarhami, Kevin Langford, Edward Sells, and Unknown John Doe.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this civil action be dismissed.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge have been filed to date.

This court was notified in another pending civil rights lawsuit filed by plaintiff that plaintiff passed away on April 21, 2018. Suggestion of Death, 9:15cv80 (docket entry no. 20). The Suggestion of Death was filed on May 8, 2018 and more than 90 days have passed since its filing. No motion for substitution has been filed. Pursuant to Federal Rule of Civil Procedure 25(a)(1), this complaint should be dismissed.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A Final Judgment will be entered in accordance with the Magistrate Judge's recommendations.

So **ORDERED** and **SIGNED** February 2, 2019.



Ron Clark, Senior District Judge